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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JORGE JIMENEZ-FLORES,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74125

Agency No. A77-355-083

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 8, 2006^{**}

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Jorge Jimenez-Flores, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") order denying Jimenez-Flores's request for a

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

continuance and deeming abandoned his application for cancellation of removal.

We review for an abuse of discretion the decision to deny a continuance. *See Nakamoto v. Ashcroft*, 363 F.3d 874, 883 n.6 (9th Cir. 2004). We review de novo claims of constitutional violations. *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001). We deny the petition for review.

The IJ did not abuse his discretion in denying Jimenez-Flores a continuance to allow time to submit supporting documentation, where the IJ had previously continued proceedings for ten months for that purpose. *See Gonzalez v. INS*, 82 F.3d 903, 908 (9th Cir. 1996) (explaining that the denial of a continuance will not be overturned except on a showing of clear abuse). Moreover, due to the absence of supporting documentation, the IJ properly concluded that Jimenez-Flores failed to demonstrate eligibility for relief and thus, that the application was abandoned. *See Ramirez-Perez v. Ashcroft*, 336 F.3d 1001, 1003 n.3 (9th Cir. 2003).

Jimenez-Flores's due process claims fails because he cannot demonstrate prejudice. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (petitioner must show prejudice to prevail on a due process claim).

PETITION FOR REVIEW DENIED.